# SPEECH



## HON. I. WASHBURN, JR., OF MAINE,

ON THE

## BILL TO ORGANIZE TERRITORIAL GOVERNMENTS IN

## NEBRASKA AND KANSAS,

AND

## AGAINST THE ABROGATION OF THE MISSOURI COMPROMISE.

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HOUSE OF REPRESENTATIVES, APRIL 7, 1854.

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# NEBRASKA AND KANSAS.

The House being in the Committee of the Whole on the state of the Union—

Mr. WASHBURN, of Maine, said:

Mr. CHAIRMAN: In the last half of the nineteenth century we find a proposition in the Congress of the Republic to extend the area of slavery. This is the object and purpose of certain provisions in the bill for the organization of the Territories of Nebraska and Kansas. These provisions remove the restrictions imposed by the Missouri compromise. The Badger amendment, and the opinions which it has elicited, I pass by as of no practical importance or interest. It is enough to secure any opposition that the bill, with or without that amendment, exposes all our unorganized territory to the occupation of slavery, although that territory, by a compact intended to be as lasting as the existence of the State of Missouri, has been set apart for freemen.

This in the last half of the nineteenth century. In the last half of the eighteenth century opinions and sentiments prevailed in the Colonies and the States of a very different character from what are implied in the bill to which I have referred. I have thought that it might not be ill-timed or unprofitable to present some of them to the notice of Congress and the country.

At a convention held in Williamsburg, Virginia, August 1, 1774, it was

"*Resolved*, We will neither ourselves import, nor purchase any slave or slaves imported by any other person, after the first day of November next, either from Africa, the West Indies, or any other place."

Mr. Jefferson addressed a letter to this convention, in which he wrote as follows:

"For the most trifling reasons, and sometimes for no conceivable reason at all, his Majesty has rejected laws of the most salutary tendency. The abolition of domestic slavery is the greatest object of desire in those Colonies, where it was unhappily introduced in their infant state. But previous to the enfranchisement of the slaves, it is necessary to exclude all further importations from Africa. Yet our repeated attempts to effect this by prohibition, and by imposing duties which might amount to prohibition, have been hitherto defeated by his Majesty's negative. Thus preferring the immediate advantages of a few African corsairs to the lasting interest of the American States, and to the rights of human nature deeply wounded by this infamous master."

At a provincial convention held in North Carolina the same year, the following resolution was passed:

"*Resolved*, That we will not import any slave or slaves, or purchase any slave or slaves imported or brought into the province by others, from any part of the world, after the first day of November next."

The Representatives of the district of Darien, in Georgia, passed a resolution, in 1775, from which I read:

"To show the world that we are not influenced by any contracted or interested motives, but a general philanthropy for all mankind, of whatever climate, language or complexion, we hereby declare our disapprobation and abhorrence of the unnatural practice of slavery in America, (however the uncultivated state of our country or other specious arguments may plead for it,) a practice founded in injustice and cruelty, and highly dangerous to our liberties, (as well as lives,) debasing a part of our fellow creatures below men, and corrupting the morals and virtues of the rest."

Mr. Jefferson in the "Notes on Virginia," thus discourses on slavery.

"There must doubtless be an unhappy influence on the manners of our people, produced by the existence of slavery among us. The whole commerce between master and slave is a perpetual exercise of the most boisterous passions, the most unremitting despotism on the one part, and degrading submission on the other. *Our children see this and learn to imitate it*, for man is an imitative animal. This quality is the germ of all education in him. From his cradle to his grave he is learning to do what he sees others do. If a parent could find no motive, either in his philanthropy or his self-love, for restraining the intemperance of his passion towards his slave, it should always be a sufficient reason that his child is present. *But generally it is not sufficient.* The parent storms, the child looks on, catches the lineaments of wrath, puts on the same airs in the circle of smaller slaves, gives a loose rein to his worst passions, and thus nursed, educated, and daily exercised in tyranny, cannot but be stamped by it with *odious peculiarities.* The man must be a prodigy who can retain his manners and morals undepraved by such circumstances. And with what execration should the statesman be loaded, who, permitting one half of the citizens thus to trample on the rights of the other, transforms those into despots, and these into enemies, *destroys the morals of the one part*, and the *amor patria* of the other? For if a slave can have a country in this world, it must be any other in preference to that in which he is born to live and labor for another; in which he must lock up the faculties of his nature, contribute as far as he depends on his individual efforts to the evanishment of the human race, or entail his own miserable condition on the endless generations proceeding from him. *With the morals of the people, their industry also is destroyed.* For in a warm climate no man will labor for himself who can make another labor for him. This is so true, that of the proprietors of slaves a very small proportion, indeed, are ever seen to labor. And can the liberties of a nation be thought secure when we have removed their only firm basis, a conviction in the minds of the people that these liberties are the gift of God? That they are not to be violated but with His wrath? INDEED I TREMBLE FOR MY COUNTRY WHEN I REFLECT THAT GOD IS JUST; THAT HIS JUSTICE CANNOT SLEEP FOREVER; that considering numbers, nature, and natural means only, a revolution of the wheel of fortune, an exchange of situation, is among possible events; *that it may become probable by supernatural interference.* THE ALMIGHTY HAS NO ATTRIBUTE WHICH CAN TAKE SIDES WITH US IN SUCH A CONTEST."

In the Federal Convention that formed the Constitution, Gouverneur Morris said:

"He never would concur in upholding domestic slavery.

It was a nefarious institution. It was the curse of Heaven on the States where it prevailed." * * * "Upon what principle is it that the slaves shall be computed in the representation? Are they men? Then make them citizens, and let them vote. Are they property? Why then, is no other property included?"—*Vide Madison Papers volume* 111, *pages* 1263–'4.

Colonel George Mason, of Virginia, said:

"Slavery discourages arts and manufactures. The slaves produce the most pernicious effects on manners. Every master of slaves is born a petty tyrant. They bring the judgment of Heaven on a country. As nations cannot be rewarded or punished in the next world, they must be in this. By an inevitable chain of causes and effects, Providence punishes national sins by national calamities."

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"I hold it essential, in every point of view, that the General Government should have power to prevent the increase of slavery."—*Vide Madison Papers, volume* 111, *page* 1391.

Said Mr. Ellsworth, of Connecticut:

"Slavery in time will not be a speck in our country."—*Same volume, page* 1392.

Mr. Sherman, of Connecticut, said:

"He was opposed to a tax on slaves, because it implied they were property."—*Ditto, p.* 1396.

Mr. Madison said, in the convention:

"I think it wrong to admit the idea, in the Constitution, that there can be property in man."

Said Mr. Iredell, of North Carolina, in the convention of that State, speaking of the clause of the Constitution in regard to the slave trade:

"When the entire abolition of slavery takes place, it will be an event which must be pleasing to every generous mind, and every friend of human nature."—*Elliott's Debates.*

Mr. Wilson, of Pennsylvania, speaking of the same clause, said:

"I consider it as laying the foundation for banishing slavery out of the land. The new States that are to be formed will be under the control of Congress in this particular, and slaves will never be introduced among them."—*Vide Elliott's Debates.*

The Hon. Josiah Parker, of Virginia, a member of the first Congress under the Constitution, said:

"He hoped Congress would do all in their power to restore to human nature its inherent privileges, and, if possible, wipe off the stigma which America labored under. The inconsistency of our principles, with which we are justly charged, should be done away, that we may show, by our actions, the pure beneficence of the docirne we hold out to the world in our Declaration of Independence."

Colonel Bland, of the same State, said:

"He wished slaves had never been introduced into America; but as it was impossible, at this time, to cure the evil, he was very willing to join in any measures that would prevent its extending further."

Sir, the views of our fathers, in reference to this vexed and exciting question, found utterance in such expressions as I have quoted. Shall our views be expressed by the slavery provisions of this bill? If so, whence this change in public sentiment? *Slavery an evil, to be restrained and removed. Slavery a blessing, to be extended and perpetuated.* Which side shall we take? What record shall we make up? The gentleman from North Carolina [Mr. CLINGMAN] admits this change, and attributes it to causes not particularly flattering, I think, to southern character. True, he says Washington and Jefferson were of opinion that slavery was an evil, and that it would die out in no very long time. But they lived in the dawn of American republicanism, and had not learned all that was taught in the philosophy of human bondage. True, they were respectable men, and did pretty well for their time; but now, in the accumulated experience and enlarged wisdom of this age, their opinions and authority are hardly worthy of the respect of the gentleman's notice.

Experience, says the gentleman, has shown that slavery is profitable, and that the section of country where it exists is prosperous and flourishing. Hence the opinions of men, in the light of experience, have undergone a change; and slavery is now considered an institution that ought to be protected, extended, and perpetuated. Thus, sir, according to the gentleman's showing, this change of opinion in the South, concerning slavery, has its foundation in the cupidity and avarice of the southern slaveholders. In short, humanity does not pay.

Mr. Chairman, among the reasons assigned by the friends of this bill for the abrogation of the Missouri compromise, the following are the most prominent:

First. It is unconstitutional; in violation of the principles of self-government recognized in our political system.

Second. It is unconstitutional and unjust; for it denies equality of right in the States.

Third. What is called the Missouri compromise was not a compact binding the slaveholding section of the country, for it had not the proper and competent parties to it, to create such obligation.

Fourth. But if this were otherwise, the compact has been so often violated by the non-slaveholding party, *by reason of their refusing to extend it*, and in other respects, that it is no longer binding upon the slaveholding party.

Fifth. It is inconsistent with the principles of the compromise of 1850, and should therefore be declared inoperative and void.

If these reasons are not entirely consistent with each other, it may be thought sufficient by those who use them, if any one is sound and valid. You will, however, permit me to say, that as I have heard them advanced from time to time, I have been reminded of a defense made, a few years ago, in one of our courts, to a suit on a promissory note. The counsel for the defendant, in opening his case, said:

"We have, may it please the court, four defenses to this action: First. My client was a minor when he gave the note. Second. It is barred by the statute of limitations. Third. He never signed it; and, fourth, he has paid it."

But, sir, I deny all these propositions of the friends of repeal. I deny them in the gross and in the detail. I affirm the authority of Congress to make the restriction, and its duty to preserve it; and this affirmation I will endeavor to sustain, both upon principle and authority. And first, *on principle*. The country which we propose to organize is of the possessions and within the limits of the United States. No other Government has, or can have, any power or jurisdiction over it. There must exist now, there has existed since its purchase from France, the power *somewhere* to legislate concerning it. It could not be in France; it could not be in the territory; for there have not, till recently, been any people there, and none are legally there now. Where, then, could it exist, if not in the Government of the United States? This power of legislation in Congress results from the necessity of the case; it is also derived from the Constitution. Mr. Clay, in his great speech in February, 1850, to which I shall have occasion to refer hereafter, deduced it from the clause which gives Congress authority to make "needful rules and regulations for the territory and property of the United States," and from the treaty-making

power. How are such "rules and regulations" to be made? Of course, by legislative enactments; and such enactments may, and should be, such as Congress, in its wisdom, shall judge for the advantage of the Territory and the whole country. It may, if it chooses, and believes that the common welfare will be promoted, refuse to sell an acre of the lands, or to permit a settler to go there. It is not bound to open the country to settlement to-day, or to-morrow. But it may do so, and when it does, it may establish such regulations, and impose such conditions, as the owners (who can only act by majorities) shall see fit. It may provide for an organization of the Territory; and, in doing so, if it perceives that without some fundamental restriction, practices may grow up, and institutions be established, which will reduce the value of the lands, and render them unsalable, lead to disorders and difficulties, it may make such restrictions. Why, sir, the narrowest construction of the constitutional provision in reference to needful rules and regulations, cannot exclude the grant of this power. If Congress should consider that it would be an evil to the Territory, and the country at large, to have slavery established there, or if it should have just reason to apprehend that gambling, in any of its forms, would become the chief occupation of the people, it would be more than strange to say that it may not make such rules and regulations as should render it improbable that slavery would be introduced, or gambling engross the time and waste the substance of the people—rules which should tend to exclude institutions or practices which, by universal consent, would be of evil example, and scandalous to the country, (as polygamy or cannibalism,) and would secure to the National Treasury receipts commensurate with the just value of the lands.

This doctrine of congressional intervention passed unquestioned and unchallenged till 1848, when a new light rose above the horizon—a light which has "led to bewilder," if it has not "dazzled to blind." Then we were told, for the first time, that the people of the Territories should be left to govern themselves—be free from the control, direction, or supervision of the General Government. What people; and who are they to govern? Shall a tent full of hunters or outlaws, or the first half dozen men who go into the Territory, make rules and laws which shall give direction to all succeeding legislation, and fix the character of the institutions to be established there? Because we believe in the doctrine of self-government, shall we say that there are no extreme cases which are exceptions to the rule? Do we say so practically? Minors, married women, and black men are, in most cases, excluded from the exercise of this right, if it be such; and it is not a little remarkable that this doctrine of universal sovereignty should be first mooted for the special purpose of depriving adult men, guilty of a skin not colored like our own, of the right to govern themselves!

But, if self-government is really meant by the friends of this bill, why have they not provided for it? Why have they carefully excluded it, save in a single particular, if at all? If the first settlers of Nebraska and Kansas are competent to decide upon the great question of slavery, are they not qualified to judge of the petty details of legislation? The bill is intervention from one end to the other. Examine it—but you may as well expect to find milk in a male tiger, as the principle of non-intervention in this bill, [Laughter.] It has intervention on the first page, for the very act of organization implies the power and necessity of congressional interference. It is on the second page, where you reserve to the Government of the United States the right to divide the territory hereafter; on the third page, where you declare that the governor and secretary shall be appointed by the President and Senate. You will not allow these men, with all their God-given rights, to choose their own governor—to appoint their secretary, their marshal, their attorney. You kindly do it for them, and facetiously term the process *popular sovereignty*. You limit, on the fourth page, the members of their council to thirteen, and refuse them authority to increase the number of their representatives beyond thirty-nine. Why not permit the people to determine this matter for themselves? Are they not, upon your own reasoning, better qualified than you, to judge in respect to the proper number of their councillors and representatives? We find on the sixth page, "that no session in any one year shall exceed the term of forty days, except the first session, which may continue sixty days." Who knows best—the members of the Territorial Legislature or the members of Congress—the length of time required by the Legislature to consider the wants and interests of the people of the Territories?

Again, we read, "that the right of suffrage and of holding office shall be exercised only by citizens of the United States." Why, sir, I thought the doctrine of "squatter sovereignty," as the Senator from Michigan [Mr. Cass] exultingly termed it, on the morning of the passage of this bill in the Senate, implied that the people of these Territories were to govern themselves without the intervention of our laws—that there a man's rights depended upon the fact that he was a man. May not a man be a man, or a squatter a squatter, although he may not be a citizen of the United States? Oh, the beauties, rare and radiant, of non-intervention! Proceeding with the bill, I notice, on the seventh page, that certain rules of taxation in respect to property of the United States and of non-residents are established by Congress. All very right, undoubtedly; but very like intervention. The same page acquaints us with the fact that the Governor has a veto on the doings of the Legislature, so far as to enable him—though not chosen by or from the people—to exercise a legislative power equal to one sixth of the members of both Houses.

Now, the laws which this Legislature may pass, must be enforced, and questions will arise as to their construction and validity. By whom shall these questions be decided—by judges appointed by the people and to them responsible, or by the appointees of a distant Executive? Of course non-intervention answers, the former, but this bill, on the 9th page, the latter. So if the people shall choose to *taboo* slavery the slave owner denies the validity of the law, and he goes to the court with his case, a court appointed by the President and Senate of the United States, liable to removal by the President; and do you think that such judges as will be appointed, have never heard of the southern opinion, that it is not competent under the Constitution of the United States, for a Territorial Legislature to pass any law for the prohibition of slavery?

Well, Mr. Chairman, in your faith in popular sovereignty, you have ordained, on the same

9th page, "That justices of the peace shall not have jurisdiction of any matter in controversy where the title or boundaries of land may be in dispute, or where the debt or sum claimed shall exceed one hundred dollars." You cannot trust the people to *define the jurisdiction of justices of the peace*, and I believe you call it self-government! And on the 10th page, such is your confidence in the judgment and discretion of the people, you have arranged for them the order of business in their courts. Such, sir, is your doctrine of non-intervention, in practice; a doctrine which you flatter yourselves is to make this bill popular in the North, and by which you hope to bring northern members to its support. It is all a delusion and a sham, as you will have seen by the citations which I have made, and which might be greatly extended. I do not deny the propriety and wisdom of these provisions—I only say that they are clearly and essentially inconsistent with the pretexts upon which you urge the passage of this bill.

But let us test this question of non-intervention a little further. The sovereignty you hold is not in the General Government but in the people of the Territory. If so, they may do whatever they choose, pass laws without your intervention or advice, establish their own institutions, create an order of nobility, make a king—why not? This Government cannot intervene. If they ask to be admitted as a State, you may require that they shall come in with a republican form of government; but if they do not ask, you have nothing to say or do. You cannot compel them to form a constitution, and petition to be admitted into the Union. They may remain out of the Union indefinitely, and you have no bond of connection with, no authority over, them. This, although they are within your exterior boundaries, upon territory ceded to, and the property of, the United States. They are at the same time inside of the Union and outside of it! Yet, such must be the result if you deny the right of intervention. If you admit it, you leave its limitations, from necessity, to the discretion of Congress, under the Constitution. Such are the difficulties and absurdities in the way of a practical exposition of this doctrine. But no matter; "Will you not let the people of the Territories govern themselves?" You cannot, fully, until they become citizens of States; and not then, even, for they will be under the restraints of the Federal Constitution. The very term, the fact, of territorial government repels the idea of full and unqualified self-government; it is a territorial government; the government of a ward. You pay from the National Treasury the expenses of these governments, you build the public edifices, furnish the libraries, extend over the Territories your revenue and postal laws, and criminal jurisdiction. You care for them, extend to them your aid and protection, you defend them, and you are bound to do it all. You are interested in them, all the States are interested in them, as future partners, and you must make such regulations and impose such conditions for them as will render them desirable partners.

The Senator from Michigan, [Mr. Cass,] and the gentleman from Georgia, [Mr. Stephens,] have likened the situation of the Territories to that of the American Colonies before the Revolution. But there is no analogy between the cases. The Colonies, were distant, outside dependencies, with no prospect of a union or fusion with the old country; attempts were made to tax them, in an offensive form, not for their own advantage, nor with any hope of advantage to them, and without their consent. Here, the Territories are integral parts of the American Union, soon to take their places as sovereign States in this great sisterhood of republics. In the mean time—during their minority, they are to be looked after, cherished and protected by the General Government. If that Government should pass arbitrary and unjust laws to operate on the Territories; should set up an intolerable tyranny over them, the people of the Territories might, as our fathers did, resort to the ultimate right—the right of revolution.

One word more as to the right of the first settlers in a Territory to fix the character of the institutions to be established therein. These settlers do not, in such case, legislate for the Territory alone; they act for the whole country in some measure. You and I, sir, are interested in what shall be done. We are owners, interested in the soil, in the uses to which it shall be appropriated; in the institutions which shall grow up thereon; whether they shall strengthen the Union, or plant the seeds of dissolution and decay. And I am interested to know whether these infant communities are to be led up into States in which five chattels shall have a political representation in this House, equal to what is enjoyed by two of my neighbors and myself? The early legislation concerning the Territories should have regard to all these high interests. These interests are in the keeping of this Government; and the people will hold the Government, and Congress, which is its organ, to a strict responsibility.

But I desire to let the friends of the bill answer each other. The principal grounds upon which it is advocated are *non intervention*, and *equality of rights*, or the right of the southern people to carry their slave property into the Territories. The former has a northern and the latter a southern face. Of the friends of repeal, perhaps half of them favor it on the principle of non-intervention, utterly denying the validity and even plausibility of the other doctrine. The other half scout the heresy of non-intervention, and contend manfully for equal rights. These parties answer each other most perfectly and conclusively. See how it is done. I now ask your attention to what is said of the doctrine of non-intervention.

Senator Brown, of Mississippi, says:

"What I contend for is, that if the people have the right of self government, as contended for by the Senator from Michigan, then you have no right to appoint officers to rule over them, nor exact that they shall send up their laws for your approval. And if they have not the sovereignty which entitles them to appoint their own officers, and to pass their own laws, independent of your supervision and dictation, then they have not that higher degree of sovereignty which entitles them to say what shall, and what shall not be property in a Territory inhabited by them, and belonging to the States of this Union.

Whatever the Senator's opinions may be, and I do not question his sincerity, the practical results of his action are these: The people, with all their Heaven-born sovereignty, have no right of self-government—of free and uncontrolled self-government—until they come to slavery, and then their power is as boundless as the universe, and as unlimited as God can make it."

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"If I am not mistaken in the antecedents of the Senator, some sixteen or twenty years of his now protracted and honorable life have been spent in the government of one of these Territories. He was commissioned to do so, not by Heaven, but by the President of the United States. The people whom he governed with so much ability, and with such acknowledged advantage to them, were never consulted as to whether he should be their Governor. The President commissioned him, and that was the end of it. All the people had to do was to receive him, and to respect

him as their Governor. *When the Senator comes to reply, I shall be glad to learn from him how he justifies himself in taking a man's commission to rule over a people who have authority direct from God himself to govern themselves?* It seems to me, without explanation, that the Senator has stood, according to his own theory, very much like a usurper; and if I had not the greatest possible veneration and respect for the Senator, I would say a usurper who had impiously interposed to wrest from a people the greatest and best gift of Heaven—the right of self-government."

The Senator from South Carolina, [Mr. BUTLER,] in the course of the debate in the Senate on this bill, expressed himself as follows:

"I know, sir, that it has been said that we are parting with a great power in giving to the people of the Territories the right to regulate their own concerns, according to their own opinions, independent of the control of Congress. *I admit of no such principle.* Justice to myself, the honest convictions of my mind, as well as the authority of great minds, who have expressed themselves upon this subject, will never allow me to assent to the doctrine, *that the first comers upon the soil of a Territory can appropriate it, and become sovereigns over it. No, sir; the Federal Government stands to the Territories in the relation of a guardian to a ward.* Look at the bill as it stands. It prescribes a government for the people of Nebraska and Kansas; but if this spontaneous, this inherent popular sovereignty is to spring up the moment the people settle in a Territory, and assemble to form a government, why have any bill to put them into operation at all? You give them a chart, and say they must obey it. Suppose they do not choose to obey it. Suppose that the first act you get from the Territory of Nebraska or Kansas is one declaring that no slaveholder shall be eligible to office in either of those Territories, or that no one professing the Catholic religion, or that no Jew, shall be eligible to office, or that the Mormons shall have a preference, would you tolerate it? According to some notions which I have heard expressed here, having put this machinery of government in operation, you have no power to control it."

Mr. Calhoun has denied this doctrine in the following terms:

"But the civil rights, the political principles of our Government, are not to be transferred to those who shall be first in the race to reach newly-acquired possessions, or who shall by accident be found upon them."

The Charleston Mercury, in a recent article, speaks of squatter sovereignty in these words:

"*If it is intended to be argued by Senator Douglas, that in creating territorial governments, invested with the usual powers, they can legislate so as to exclude and abolish slavery, when the very law which organizes them declares the Territories open to the immigration and settlement of the slaveholder,* we must reject such a proposition as not only unconstitutional, but as containing upon its very face the mark of treachery. It would indeed be the climax of specious justice to proclaim non-intervention on the part of Congress as the principle of fairness and the Constitution, yet that it should pass a law CONFERRING UPON A TENTFULL OF HUNTERS AND OUTLAWS THE RIGHT TO INTERVENE IN THE MOST ABSOLUTE AND SOVEREIGN MANNER."

But, that there should be no controversy as to the right of the people of the Territories to prohibit slavery, and to test the sincerity of those who were advocating the bill on the ground of popular sovereignty, Senator CHASE, of Ohio, proposed this amendment:

"Under which the people of the Territory, through their appropriate representatives, may, if they see fit, prohibit the existence of slavery therein."

The vote upon it was as follows:

YEAS—Messrs. Chase, Dodge of Wisconsin, Fessenden, Fish, Foot, Hamlin, Seward, Smith, Sumner, and Wade—10.

NAYS—Messrs. Adams, Atchison, Badger, Bell, Benjamin, Brodhead, Brown, Butler, Clay, Clayton, Dawson, Dixon, Dodge of Iowa, *Douglas*, Evans, Fitzpatrick, Gwin, Houston, Hunter, Johnson, *Jones* of Iowa, Jones of Tennessee, Mason, Morton, *Norris*, *Pettit*, Pratt, Rusk, Sebastian, *Shields*, Slidell, *Stuart*, *Toucy*, *Walker*, *Weller*, and *Williams*—36.

General CASS not voting!

Here we find the doctrine of popular sovereignty repudiated by those who claim to justify their votes for this bill upon the assumption that it is the true doctrine. And when thus repudiated, the author of the Nicholson letter votes for the bill.

Mr. Chairman, I was somewhat surprised when the gentleman from Georgia [Mr. STEPHENS] allied himself with the advocates of this doctrine. I had supposed that he held very different opinions from those contained in his recent speech. He then said:

"That the citizens of every distinct and separate community or State should have the right to govern themselves in their domestic matters as they please, and that they should be free from the intermeddling restrictions and arbitrary dictation on such matters from any other Power or Government in which they have no voice. It was out of a violation of this very principle, to a great extent, that the war of the Revolution sprung."

Again:

"We do not ask you to force southern institutions or our form of civil polity upon them; but to let the free emigrants to our vast public domain, in every part and parcel of it, settle this question for themselves, with all the experience, intelligence, virtue, and patriotism they may carry with them. This, sir, is our position. *It is, as I have said, the original position of the South. It is the position she was thrown back upon in June*, 1850. It rests upon that truly national and American principle set forth in the amendment offered in the Senate on the 17th of June, which I have stated; and it was upon the adoption of this principle that that most exciting and alarming controversy was adjusted. This was the turning point; upon it everything depended, so far as that compromise was concerned."

This, he says, is the original position of the South, upon which she was thrown back *in June*, 1850. The original position of the South! Why, sir, I find that upon the 17*th of July*, 1850, the gentleman himself, in answer to the gentleman from Virginia, [Mr. BAYLY,] denied this doctrine. In reply to what the gentleman from Virginia had said on a previous occasion, he remarked:

"I remember that speech well. I disagreed with it then, and now. I did not then hold, nor do I now, that the people of the Territories had any such right as contended for. I have alluded to this speech barely to answer the gentleman out of his own mouth. I hold that when this Government gets possession of territory, either by conquest or treaty, it is the *duty of Congress to govern it until the people are prepared to be admitted as a State into the Union, at the discretion of Congress.*"

The gentleman said something more in the same speech which I would commend to his consideration at this time:

"We live, Mr. Chairman, in a strange world. There are many things of a strange character about us, but nothing seems stranger to me than the rapid change which sometimes takes place in men's opinions upon great questions."

Now, sir, in the second place, I propose to examine this question briefly in the light of *history, precedent, and the opinions of public men expressed before this repeal was agitated.*

When taxed with the existence of slavery in this country, it has been our answer and defense, that it was planted amongst us by the British Government and people during our colonial existence; that we were not responsible for its introduction, but only for our faithfulness in the use of means to alleviate and remove it. It was considered an evil by the people of the Colonies before the Revolution. This appears sufficiently by the extracts which I have given. It was so regarded during the Revolution. I need adduce no other proof of this than the Declaration of Independence, which declares that "all men are created equal," and that they have, among other "inalienable rights," that of "liberty." So after the Revolution; for, in 1787, the Congress of the Confederation made that immortal ordinance which excluded slavery forever from the Northwest Territory. In

1788, in order "*to establish justice*" * * "and *to secure the blessings of liberty*" to themselves and their posterity, our fathers established the Constitution of the United States—an instrument which provided for the abolition of the slave trade in 1808, and which carefully and studiously excludes from its pages the words "slave" and "servitude." Under this Constitution we live and act. In the light of its provisions and exclusions, and of the fact that the old Congress had but just adopted the ordinance of 1787, can we believe for a moment that it was their intention to frame a Constitution under which Congress would be powerless to restrain the extension of so great an evil as they held slavery to be?

Looking along, we find that during the administrations of nearly all the Presidents from Washington to Polk, territorial governments have been organized by Congress, with the approbation of southern and northern Presidents alike, which have contained provisions similar to the ordinance of 1787 and the Wilmot proviso, and by which this doctrine of intervention and slavery restriction has been recognized and affirmed almost from the foundation of the Government to the present time.

In 1820 this Missouri compromise, which contains the principle of the Wilmot proviso, was made, and principally by southern votes. It was approved by Mr. Monroe, a Virginian, and it is said that its constitutionality was affirmed by his Cabinet, which contained such men as John Quincy Adams, William H. Crawford, John C. Calhoun, and William Wirt. I understand, too, that the Supreme Court have in various decisions, directly or indirectly, recognized its validity.

To show how distinctly this doctrine was held, so late as 1850 by our leading public men, I will read from the debates of that period, and first from Mr. Clay:

"But I must say, in a few words, that I think there are two sources of power, either of which is sufficient, in my judgment, to authorize the exercise of the power, either to introduce or keep out slavery, outside of the States and within the Territories. Mr. President, I shall not take up time, of which so much has been consumed already, to show that the clause which gives to Congress the power to make needful rules and regulations respecting the territory and other property of the United States, conveys the power to legislate for the Territories.

"Now, sir, recollect when this Constitution was adopted that territory was unpeopled; and how was it possible that Congress, to whom it had been ceded, for the common benefit of the ceding States and the other States of the Union, had no power whatever to declare what description of settlers should occupy the public lands? Suppose that Congress had taken up the notion that slavery would enhance the value of the land, and, with a view to replenish the public Treasury, and augment the revenue from that source, that the introduction of slavery there would be more advantageous than its exclusion, would they not have had the right, under that clause which authorizes Congress to make the necessary 'rules and regulations respecting the territory and other property belonging to the United States'—would they have no right, discretion, or authority—whatever you may choose to call it—to say that anybody who chose to bring his slaves and settle upon the land and improve it, should do so? It might be said that it would enhance the value of the property; it would give importance to the country; it would build up towns and villages; and, in fine, we may suppose that Congress might think that a greater amount of revenue might be derived from the waste lands by the introduction of slavery than could be secured by its exclusion; and will it be contended, if they so thought, that they would have no right to make such a rule?" * * * * * * *

"I will not further dwell upon this part of the subject; but I have said there is another source of power equally satisfactory in my mind, equally conclusive as that which relates specifically to the Territories. This is the treaty-making power—the acquiring power. Now, I put it to gentlemen, is there not at this moment somewhere existing, the power either to admit or exclude slavery from the territories acquired from Mexico? It is not an annihilated power. That is impossible. It is a substantive, actual, existing power. And where does it exist? It existed—no one, I presume, denies—in Mexico prior to the cession of those territories. Mexico could have abolished slavery, or have introduced slavery, either in California or New Mexico. Now, that power must have been ceded. Who will deny that? Mexico has parted with the territory, and with it the sovereignty over the territory; and to whom did she transfer it? She transferred the territory and the sovereignty over the territory to the Government of the United States. The Government of the United States then acquired all the territory, and all the sovereignty over that territory which Mexico held in California and New Mexico prior to the cession of these territories. Sir, dispute that who can. The power exists, or it does not exist. No one will contend for its annihilation. It existed in Mexico. No one, I think, can deny that Mexico alienates her sovereignty over the territory to the Government of the United States. The Government of the United States, therefore, possess all the powers which Mexico possessed over those territories; and the Government of the United States can do with reference to them—within, I admit, certain limits of the Constitution—whatever Mexico could have done. There are prohibitions upon the power of Congress, within the Constitution, which prohibitions, I admit, must apply to Congress whenever it legislates, whether for the old States or the new Territories; but within the scope of these prohibitions; and none of them restrain the exercise of the power of Congress upon the subject of slavery; the powers of Congress are coextensive and coequal with the powers of Mexico prior to the cession."

"The power of acquisition by treaty draws with it the power to govern all the territory acquired. If there be a power to acquire, there must be a power to govern; and I think, therefore, without at present dwelling further upon this part of the subject, that from the two sources of authority in Congress to which I have referred, may be traced the power of the Government of the United States to act upon the Territories in general."

I now read from Senator BADGER:

"I have said it at home; I have said it everywhere—I have said it at large mass meetings, and I choose to say it again, because I have no concealment upon this subject, and believe that what I aim at can be best accomplished by a frank avowal of the truth—so far as I understand it. I have said, and I say again, that Congress has the constitutional power to apply the Wilmot proviso to this Territory, and to all the Territories that belong to the United States. I believe that Congress has entire power and jurisdiction over the Territories—that we are the supreme law-giver over them—may dispose of their institutions as we think right, and let in and shut out just whom and just what we please."

Mr. DOUGLAS, speaking of the slavery restriction applied to the Oregon bill in 1848, and for which he voted, remarked:

"It is a simple, plain provision of law, older than the Government itself, and, in my opinion, entirely unnecessary; at the same time that it *is free from insuperable constitutional difficulty*, with the sanction of precedents under almost every Administration, to warrant its adoption."

And of the Missouri compromise he spoke as follows:

"That measure was adopted in the bill for the admission of Missouri by the union of *northern and southern votes*. The South has always professed to be willing to abide by it, and even to *continue* it, as a fair and honorable adjustment of a vexed and difficult question. In 1845 it was adopted in the resolutions for the annexation of Texas by southern as well as northern votes, without the slightest complaint that it was unfair to any section of the country. In 1846 it secured the support of every southern member of Congress—Whig and Democrat, without exception—as an alternative measure to the Wilmot proviso. And again, in 1848, as an amendment to the Oregon bill, *on my motion*, it received the vote, if I recollect right, of every southern Senator, Whig and Democrat, even including the Senator from South Carolina himself, [Mr. Calhoun.]

If this principle of slavery restriction by Congress had been deemed unconstitutional, or so very objectionable as gentlemen now contend, how could it have received the vote of all the southern Senators, as above stated; and how could it have been moved by the Senator from Illinois himself? And

does this extract look as if southern gentlemen, or the Senator, thought, at any of the dates referred to, that a refusal by the North to "*continue*" the Missouri line would obliterate the line already established?

Now, I desire to know, Mr. Chairman, if any question under the Constitution can ever be settled? Sir, is it possible for any right or power, in respect to which a doubt can be raised, to be better established than this of slavery restriction by Congress? We have contemporaneous construction—sixty years of acquiescence and affirmation by all the authorities, departments, and tribunals of the Government, and the intelligent assent of the entire people.

With this authority, this history, are we now to be told, or to believe, that Congress has no power to legislate for the Territories, or, by such legislation, to restrict the extension of slavery? If slavery be the evil which our fathers, in the South as well as in the North, held it to be, what a reproach to their memory if they gave us a Government impotent to restrain it—too feeble to prevent its overrunning and blasting the free green earth of God. Generations have lived and died in the faith that this power existed in the Government. It was never doubted until political necessities brought out, in 1848, the celebrated Cass-Nicholson letter—a bundle of absurdities—with the doctrine of non-intervention, which, having done no little mischief by its tendency to unsettle old and well-established opinions, will, after this bill shall be disposed of, be consigned, by common consent, to that "limbo large and broad" long since prepared as the receptacle of exploded humbugs. [Laughter.]

Well, sir, as I have said, the drama of non-intervention after one performance more, will be removed from the stage forever. As we sometimes read on the bills, it is "postively for one night only." Whether it shall accomplish the abrogation of the Missouri compromise or not, it will have filled its destiny. In the former case, it will be thrown overboard by the South as a thing for which they never had any respect, and now have no further use. Then we shall hear that the time has come for the inculcation of the true doctrine: "The North is sufficiently weakened and humbled—the country is ready for it—let it be proclaimed everywhere, that the Constitution of the United States, *proprio vigore*, carries slavery wherever the flag of the Union flies." It carries it, we shall be told, into the Territories, and neither Congress nor the local Legislatures, nor both combined, can restrain its march, for the Constitution is above both, is the supreme law of the land. Ay, and carries it into all the States, for neither State laws nor State constitutions can exclude the enjoyment of a right guarantied by the Constitution of the Federal Government. This, sir, is the doctrine with which we shall be vigorously pressed if this bill is carried. Already has it been more than hinted, and whoever has noticed the advanced ground which slavery occupies now, compared with that on which it rested in 1850, will not be slow to believe it.

I will here ask your attention to the fact, which I meant to have noticed before, that Senator HUNTER, of Virginia, the gentleman from North Carolina, [Mr. CLINGMAN,] and nearly all southern gentlemen who have spoken on this subject, and have in any manner recognized the doctrine of non-intervention, are careful to limit the right of the people of the Territories to legislate for themselves, by the Constitution of the United States; and that they hold that the Constitution forbids all territorial legislation for the prohibition of slavery.

And in this connection let me remark, what you must have observed, that in the debate which took place in the Senate a few days ago on the Badger amendment, it was distinctly stated by southern Senators, that in the event of future acquisitions of territory, no implication was to be drawn from this bill that the people of such Territory should be allowed to decide for themselves the question of the admission of slavery.

In view of these facts, northern gentlemen will perceive how transcendently important it is for them to make, while they are yet able, a successful stand against the aggressions of the slave power.

I do not mean to say, sir, that all southern men are prepared to go these extreme lengths. I know they are not. I know that there is honor, wisdom, moderation, and patriotism in the South, but I fear they will be overborne by the fanaticism of slavery; for there is a fanaticism of slavery in the South as truly as there is of anti-slavery in the North, and I do not think it half so excusable or respectable as the latter.

II. *The Missouri compromise is unconstitutional and unjust—it denies equal rights to the citizens of the several States.*

This, I think is a very palpable mistake. I do not see how the citizen of any State is deprived by the Missouri compromise of any right which a citizen of any other State can enjoy. The southern man as well as the northern man can go to Nebraska, and when there the same laws will be over both. But the southern man complains that he cannot carry his local laws with him. The northern man cannot carry his, and yet he does not complain. That the southern man may not take his slave there is no hardship. If he wishes to go he must content himself to do as the northern man does, who sells his property—his ship or his bank charter—which he cannot take with him.

Mr. Chairman, let us look at the practical operation of this doctrine. If it be true that a citizen of any State can take with him and hold as property in a Territory, whatever is regarded as property in his State, and neither Congress nor the local Legislature can forbid him, what a jumble and confusion of rights would ensue. For instance, a citizen of Maine cannot take intoxicating liquors with him—a citizen of Pennsylvania may; a citizen of Massachusetts cannot carry gamecocks—others may; a citizen of New York cannot go with slaves—a South Carolinian may. A native of the Emerald Isle, who may have been in the country but a year, if a resident of Illinois, where he was a legal voter, may, upon this theory, be a voter in the Territory; but if he has been a resident of New Hampshire for twenty years, if he has never been naturalized, he can have no vote. Well, if this doctrine be sound, and such is its operation in the Territories, it must by parity of reason have the same operation in the States; and what is denied to be property in every State in the Union, except Maine, may be held as property by emigrants from that State in every other; and so, to this extent, every State must be governed by the laws of Maine, to the injustice of her own citizens and those of all the other States.

But in this regard I wish to let the northern

friends of the bill answer the southern friends; and I think they do it most effectually. Mr. DOUGLAS adverted to this argument in 1850 in terms like these:

"But you say that we propose to prohibit by law your emigrating to the Territories with your property. We propose no such thing. We recognize your right, in common with our own, to emigrate to the Territories with your property, and there hold and enjoy it in subordination to the laws you may find in force in the country. Those laws, in some respects, differ from our own, as the laws of the various States of this Union vary, on some points, from the laws of each other. Some species of property are excluded by law in most of the States, as well as Territories, as being unwise, immoral, or contrary to the principles of sound public policy. For instance, the banker is prohibited from emigrating to Minnesota, Oregon, or California, with his bank. The bank may be property by the laws of New York, but ceases to be so when taken into a State or Territory where banking is prohibited by the local law. So, ardent spirits, whisky, brandy, all the intoxicating drinks, are recognized and protected as property in most of the States, if not all of them; but no citizen, whether from the North or South, can take this species of property with him, and hold, sell, or use it at his pleasure in all the Territories, because it is prohibited by the local law—in Oregon by the statutes of the Territory, and in the Indian country by the acts of Congress. Nor can a man go there and take and hold his slave, for the same reason. These laws and many others involving similar principles, are directed against no section, and impair the rights of no State in the Union. They are laws against the introduction, sale, and use of specific kinds of property, whether brought from the North or the South, or from foreign countries."

General CASS, in his late speech in the Senate, answered this objection successfully and triumphantly. He said:

"The second objection which I propose to consider, connected with this alleged seizure of the public domain, is, that a southern man cannot go there because he cannot take his property with him, and is thus excluded by peculiar considerations from his share of the common property.

"So far as this branch of the subject connects itself with slaves, regarded merely as property, it is certainly true that the necessity of leaving and of disposing of them may put the owners to inconvenience—to loss, indeed—a state of things incident to all emigration to distant regions; for there are many species of that property, which constitutes the common stock of society, that cannot be taken there. Some because they are prohibited by the laws of nature, as houses and farms; others because they are prohibited by the laws of man, as slaves, incorporated companies, monopolies, and many interdicted articles; and others again, because they are prohibited by statistical laws, which regulate the transportation of property, and virtually confine much of it within certain limits which it cannot overcome, in consequence of the expense attending distant removal; and among these latter articles are cattle, and much of the property which is everywhere to be found. The remedy in all these cases is the same, and is equally applicable to all classes of proprietors, whether living in Massachusetts, or New York, or South Carolina, and that is to convert all these various kinds of property into universal representative of value, money, and to take that to these new regions, where it will command whatever may be necessary to comfort or to prosperous enterprise. In all these instances the practical result is the same, and the same is the condition of equality."

Again:

"Such a principle would strike at independent and necessary legislation, at many police laws, at sanitary laws, and at laws for the protection of public and private morals. Ardent spirits, deadly poisons, implements of gaming, as well as various articles, doubtful foreign bank bills, among others, injurious to a prosperous condition of a new society, would be placed beyond the reach of legislative interdiction, whatever might be the wants or the wishes of the country upon the subject. For the constitutional right by which it is claimed that these species of property may be taken by the owners to the 'territory' of the United States, cannot be controlled, if it exist by the local Legislatures; for that might lead, and in many cases would lead, to the restriction of its value."

* * * * * * *

"And we are thus brought to this strange practical result: that in all controversies relative to these prohibited articles, it is not the statute-book of the country where they are to be held, which must be consulted to ascertain the rights of the parties, but the statute-books of other Governments, whose citizens, thus, in effect, bring their laws with them, and hold on to them."

III. *The Missouri compromise (so called) was not a compact binding the slaveholding section of the country, because it had not the proper parties to create such obligation.*

I maintain that the legislation, in virtue of which Missouri was admitted into the Union, had the essential elements of a compromise or compact, and that the North may fairly hold the South to a faithful observance of its provisions. When Congress was called upon to pass an act preparatory to the admission of Missouri, the northern members of the House, with great unanimity, opposed her admission as a slave State. Many attempts were made to carry the measure, but they all failed. It became apparent that no act could pass the House of Representatives looking simply to the admission of Missouri as a slave State. At length a compromise was proposed. Missouri, in which slaves were then held, was to be admitted with a constitution recognizing slavery, and the rest of the territory acquired from France was to be set apart for freedom forever. The bill, as amended by this provision of compromise, passed both Houses of Congress and became a law. It was voted for by nearly the entire South, and obtained a sufficient number of northern votes to carry it. The latter were given, as the record shows, purely and simply in consideration of the exclusion of slavery stipulated for in the eighth section of the act. Without this exclusion, Missouri could not have been admitted; with it, she became a State. She was admitted by northern votes, and could not have been without. It is not of the slightest importance whether one tenth or nine tenths of the northern members voted for the bill. It is enough that a sufficient number voted for it to pass it, and whatever it contained for the advantage of the non-slaveholding section inured to its benefit fully and completely. And because its terms were so hard that it could not obtain the favor of a majority of the northern Representatives, can afford no reason why the North should not enjoy the modicum of justice which, it was supposed, was secured to her. It should seem that this fact would only enhance and render more sacred the obligation of the South. But if this compromise is of no force for the reason now assigned, what is to become of the compromise acts of 1850, no one of which, I believe, obtained the votes of a majority of both southern and northern members of Congress?

Again: The lawyers tell us that subsequent ratification is equivalent to previous authority; and that such ratification may be inferred from long acquiescence. The North has faithfully and religiously acquiesced for thirty-four years in this compromise. It is now too late to say that she has no claims under it. Why, sir, it is but a little more than a year ago that the present chairman of the Committee on Territories [Mr. RICHARDSON] reported a bill for the organization of the Territory of Nebraska, in which there was no provision for the abrogation of this compromise, and no suggestion that it was inoperative and void. He advocated its passage with earnestness and ability. It encountered no opposition except on the Indian question. While it was before the House, a gentleman from Pennsylvania, no longer a member, [Mr. John W. Howe,] who was in the habit of saying that he was a Whig with Free-

Soil tendencies, inquired of the gentleman from Ohio [Mr. GIDDINGS] why the bill did not contain the Wilmot proviso? Mr. GIDDINGS, in reply, after quoting the eighth section of the act of 1820, remarked that:

"This law stands perpetually, and I did not think that this act would receive any increased validity by a reënactment. There I leave the matter. It is very clear that the territory included in that treaty must be forever free, unless that law be repealed."

And yet, sir, no gentleman proposed to amend the bill; and it passed this branch by a vote of ninety-eight to forty-three, a large number of southern members voting with the majority. The bill went to the Senate, and was there pressed by the Senator from Illinois, without any suggestion of change in its provisions so far as respects slavery; but it failed for want of time, and, I think, for no other reason. It was at this time that the Senator from Missouri [Mr. ATCHISON] made the declaration which has been alluded to in this debate. He said:

"I have always been of opinion that the first great error committed in the political history of this country was the ordinance of 1787, rendering the Northwest Territory free territory. The next great error was the Missouri compromise. But they are both irremediable. There is no remedy for them. We must submit to them. I am prepared to do it. It is evident that the Missouri compromise cannot be repealed. So far as that question is concerned, we might as well agree to the admission of this Territory now as next year, or five or ten years hence."

Now, I beg to ask, whence this new light which has so suddenly flashed upon the minds of honorable and learned members? Were they stark blind in 1853? Who had rifled them of their memories and their wits? If the Missouri compromise is unconstitutional, unjust, and superseded by the principles of the compromise of 1850, in 1854, was it not equally so in 1853? And if so, did not gentlemen know it then as well as they do now? And, if they knew it, how could they vote for it—so unjust, so greatly wrong, so flagrantly unconstitutional, as they declare it to be? Oh! sir, can anything be more impudent, more audacious, more insulting to the good sense of the American people, than this attempt to annul the Missouri compromise, for the reasons now assigned for the act?

IV. and V. *The act preparatory to the admission of Missouri, if originally binding upon the South as a compromise, has, by repeated violations on the part of the North, ceased to have any such obligation. And, besides, it is inconsistent with the compromise acts of* 1850.

It was violated by the North, as some gentlemen contend, in 1821, when Missouri, having adopted a constitution, asked for admission as a State. The objection of the North at that time was, as everybody knows, or ought to know, wholly independent of the fact that her constitution tolerated slaveholding. It was because that constitution contained a provision for the exclusion from the State of free people of color. The gentleman from Louisiana [Mr. HUNT] has set this matter right so clearly and so well, that I need not dwell upon it. It was then that the joint resolution for the admission of Missouri, in which Mr. Clay acted so conspicuous a part, was adopted. When this resolution was passed, and Missouri admitted, the compromise, if before inchoate and executory, became a fixed fact, a compact executed in behalf of the South, and complete and perfect in its obligation. If Missouri had never asked to be admitted, the act of the previous session would have remained executory, and perhaps repealable, without any suggestion of bad faith; but when it had been so far carried out as to admit Missouri, then, in all honor and good neighborhood, it was irrepealable by the South.

The North violated the compromise, insists the gentleman from Georgia, [Mr. STEPHENS,] in 1836, when Arkansas applied for leave to come in as a State. He tells us that Mr. John Quincy Adams led off the northern forces in opposition to her admission, and leaves it to be inferred that this opposition was because she would be a slave State. Mark how plain a tale shall answer the gentleman. I quote what Mr. Adams said upon that occasion:

"Mr. Chairman, I cannot, consistently with my sense of my obligations as a citizen of the United States, and bound by oath to support the Constitution, *I cannot object to the admission of Arkansas into the Union as a slave State. I cannot propose or agree to make it a condition of her admission, that a convention of her people shall expunge this article from her constitution.*"

Again:

"Arkansas, therefore, comes, and has a right to come, into the Union with her slaves and her slave laws. It is written in the bond; and however I may lament that it ever was written, I must faithfully perform its obligations."

The following will show what he did object to:

"But I am unwilling that Congress, in accepting her constitution, should even lie under the imputation of assenting to an article in the constitution of a State which withholds from its Legislature the power of giving freedom to the slave."

Is this the way history is to be read to make out a case?

Again, we are informed that this compromise was violated by the North in 1845, 1848, and 1850.

A learned and able Senator [Mr. BADGER] contends that the line of 36° 30′ was to apply to States as well as Territories, and to all territory, as well to such as might thereafter be acquired, as to the territory then held by the United States. This, he says, was the idea, the principle of the compromise:

"The Missouri compromise law intended to fix it as a rule for all Territories of the United States. It is applied in terms to all that territory which was ceded by France; but we had no other territory. That was all the territory which we then had, whose destiny was to be settled by an act of Congress. Therefore, the further principle involved was this: They intended to compromise and adjust the question between the different portions of the Union then and forever."

Well, sir, that rule or principle, as we are assured, having been violated by the North, and being no longer in force, was succeeded, or superseded, by a new principle in 1850, the principle of non-intervention.

I cannot help thinking that these assumptions of the Senator are unwarranted by anything which has been done, or omitted to be done, by Congress, from 1820 to this time. When Missouri was admitted, slavery existed within her limits, as it did in what is now Arkansas. There were then no slaves, except in Missouri, north of the line of 36° 30′. The great thought, the principle of the compromise of 1820, was, that where slavery then existed in fact, it should be permitted to remain; but that from all the territory which we possessed, into which it had not found its way, it should be forever excluded. The idea was clearly that of prohibition. The law provided that in territory where slavery did not then actually exist it never should exist. This was the

fact. What principle but that of restriction could be deduced from this fact?

In 1845, when Texas was annexed, the same principle was adhered to. Slavery was in Texas, and it was not to be abolished by Congress; but it was not to be extended by possibility to territory then free; and the principle of slavery restriction was distinctly affirmed. Here is the third article of the second section of the joint resolution for annexing Texas:

"New States, of convenient size, not exceeding four in number, in addition to said State of Texas, having sufficient population, may hereafter, by the consent of said State, be formed out of the territory thereof, which shall be entitled to admission under the provisions of the Federal Constitution. And such States as may be formed out of that portion of said territory lying south of 36° 30′ north latitude, commonly known as the Missouri compromise line, shall be admitted into the Union, with or without slavery, as the people of each State asking admission may desire. *And in such State or States as shall be formed out of the territory north of said Missouri compromise line, slavery or involuntary servitude (except for crime) shall be prohibited.*"

The North did not at this time undertake to disturb the Missouri line. She did not then attempt, and she never has attempted, to interfere with slavery in Missouri or Arkansas, or impair their rights as States.

When the Territory of Oregon was organized in 1848, the principle of slavery prohibition was recognized by the adoption of the Wilmot proviso. That the constitutionality of the *proviso* could not have been seriously questioned at that time, is manifest from the fact that the Oregon bill obtained the official sanction of President Polk.

It was when this bill was before the Senate that Mr. Webster said, in reference to the principle of the Wilmot proviso:

"For one, I wish to avoid all committals, all traps, by way of preamble or recital; and, as I do not intend to discuss this question at large, I content myself with saying, in few words, that my opposition *to the further extension of local slavery in this country, or to the increase of slave representation in Congress, is general and universal.* It has no reference to *limits of latitude or points of the compass.* I shall oppose all such extension, and all such increase, in all places, at all times, under all circumstances, even against all inducements, against all supposed limitations of great interests, against all combinations, against all COMPROMISES."

This action of Congress was in harmony with the principle of the Missouri compromise, and was a legitimate expression of that principle on a fit occasion.

And now, sir, to come down to the compromise acts of 1850. In what respect, and how, did the North at this time violate the compromise of 1820? Which of these acts is inconsistent with that compromise, and which contains the principles of non-intervention? The acts for the organization of the Territories of Utah and New Mexico, and for the Texas boundary settlement, are the only laws of that series which bear at all upon these questions. Let us examine them.

In the fifth clause of the first section of the Texas boundary bill, one of the acts constituting the compromise of 1850, are these words:

"*Provided*, That nothing herein contained shall be construed to impair or qualify anything contained in the third article of the second section of the joint resolution for annexing Texas to the United States, approved March 1, 1845, either as regards the number of States that may hereafter be formed out of the State of Texas, or OTHERWISE."

Here, by reference to the joint resolution which I have read, we find that the Missouri compromise was not only not repudiated, not only not ignored, but expressly referred to and recognized as an existing fact and of continuing obligation; and yet we are told that Congress at this time was legislating in such way as to work its complete abrogation.

The New Mexico and Utah acts provide that those Territories, when ready to become States, may be admitted with, or without slavery as their constitutions shall prescribe. It was not contended then, nor is it now, by the great majority of the friends of slavery prohibition, that Congress can control this matter in the States; and to say that the States can do as they please, is very far from saying that the Territories may.

But the Wilmot proviso was not attached to these acts, and therefore its principle was abandoned. Abandoned! by whom? Let us see. These bills were passed by the aid of such men as CLAY, WEBSTER, BADGER, DOUGLAS; and without their help, and that of many others who entertained similar views to theirs, they could not have become laws. Did they advocate them on the ground that, if they should pass, they would abrogate the Missouri compromise, or would operate as an abandonment in any way of the principle of prohibition? Not at all; but they all affirmed the power to make such restriction, and most of them the propriety of it, where it could be of any practical service. But here they alleged that what was as good as the proviso was already in force. The Mexican law, they said, excluded slavery in these Territories—it does not now exist there by law, and it cannot go there unless you shall legislate it in; and if you are disposed to do that, you can as well repeal the Wilmot proviso, if it should be adopted. But more, slavery is excluded by a higher law than this—the law of God. Here is what is equivalent to two Wilmot provisoes; why make a third? It can do no possible good; it will be regarded by the South as an unnecessary act for the protection of the North, and as something insisted upon merely to taunt her. Considerations like these, all implying the duty and the principle of restriction, prevailed with a sufficient number of northern members to induce them to forego the Wilmot proviso. I think they made a mistake; but I will not charge them with abandoning the principle. For when I see the grounds upon which they acted, I perceive that they meant to affirm, and by their action did affirm, this principle. To the testimony. And first, I will read from one of the resolutions offered by Mr. Clay, in February, 1850:

"*Resolved*, That as slavery does not exist by law, and is not likely to be introduced into any of the territory acquired by the United States from the Republic of Mexico, it is inexpedient for Congress to provide by law either for its introduction into, or exclusion from, any part of the said Territory."

From Mr. Clay's speech, made upon his resolutions, I read as follows:

"I take it for granted that what I have said will satisfy the Senate of that first truth, that slavery does not exist there by law, unless slavery was carried there the moment the treaty was ratified by the two parties to the treaty, under the operation of the Constitution of the United States.

"Now really, I must say, that the idea that, *eo instanti*, upon the consummation of the treaty, the Constitution of the United States spread itself over the acquired country, and carried along with it the institution of slavery, is so irreconcilable with any comprehension, or any reason which I possess, that I hardly know how to meet it."

Mr. Clay, so far from thinking that the legislation of 1850 would in principle open up the Territory to slavery, used this language:

"But if, unhappily, we should be involved in war, in civil war, between the two parts of this Confederacy, in which the effort upon the one side should be to restrain the introduction of slavery into the new Territories, and upon

the other side to force its introduction there, what a spectacle should we present to the astonishment of mankind, in an effort, not to propagate rights, but—I must say it, though I trust it will be understood to be said with no design to excite feeling—*a war to propagate wrongs in the territories thus acquired from Mexico. It would be a war in which we should have no sympathies, no good wishes; in which all mankind would be against us;* for, from the commencement of the Revolution down to the present time, we have constantly reproached our British ancestors for the introduction of slavery into this country."

Again, we find him making use of language like this:

"I have said that I never could vote for it myself; and I repeat, that I never can, and never will vote, and no earthly power ever will make me vote, to spread slavery over territory where it does not exist."

Who can doubt where Henry Clay would be on this question, if he were living; or that, in 1850, he affirmed the policy of restriction?

Hear Mr. Webster, in his 7th of March speech:

"Sir, wherever there is a particular good to be done—wherever there is a foot of land to be staid back from becoming slave territory—I am ready to assert the principle of the exclusion of slavery. I am pledged to it from the year 1837; I have been pledged to it again and again; and I will perform those pledges."

Does this look like his consenting to a bill which he understood was, in the principle it contained, to repeal the Missouri compromise, and permit slavery to go into Nebraska?

That you may understand, sir, what sort of arguments and appeals were made by southern men to northern men at the time, I will read from a speech made by Senator BADGER; and he was not alone among southern members in this line of argument and appeal:

"Many gentlemen tell us that, in point of law, slavery now stands excluded from those territories. Well, now, sir, I have said, and I say it again—for I do not conceal any views I may entertain on this subject—that I belong to that class of public men who entertain the opinion, and I have a very strong conviction of its correctness, that the civil or municipal laws which prevailed in these ceded territories at the time they passed into our hands, whether such laws relate to the existence or the non existence of slavery, or anything else, continue in force; that they are not repealed by any silent and necessary operation of the Constitution, and that they continue until the conqueror—until the United States, acting through the legislative department of the Government—shall think proper either to repeal or modify those laws, or to commit to some subordinate legislative authority the power of doing it. But there are many gentlemen—perhaps the majority of southern statesman—who entertain a different opinion from that which I have expressed upon this constitutional question."

* * * * * * *

"Now, sir, in this state of divided opinion as to the legal right to consider slavery a subsisting institution, recognized and protected by law, by the Constitution, in these acquired territories—in the generally conceded opinion that there is no likelihood, in point of fact, that slavery will ever reach these Territories—what motive can be assigned, what reason, which addresses itself to the mind of the statesman, can be urged why this proviso should be adopted? *It is not a provision which is to accomplish any object—which is to exclude, by its force, from the Territory, what would otherwise be found there. There is, therefore, no end to be accomplished for which it is necessary; there is no result to be produced by it that will not come without it.*"

* * * * * * *

"It is a mere assertion of superiority; it seems to involve in it something of taunt—of insult. It conveys to southern people an impression of unwillingness to gratify their wishes, or save their feelings even, when, by so doing, *nothing is lost to the majority, and no advantage is gained by us.* It is idle for gentlemen to say 'we *mean* it not as an insult.' The proviso is unnecessary if there is no reasonable ground for supposing that anything will be accomplished by it that will not be accomplished without it; and since you know how we must regard it, patriotism, statesmanship, the recognized obligations of good neighborhood, require you to forbear."

While the compromise discussions of 1850 were going on, Mr. DOUGLAS said in the Senate:

"The Union will not be put in peril; California will be admitted; governments for the Territories must be established; and thus the controversy will end, and *I trust forever.*"

Forever! I can hardly think that the Senator then supposed that in less than four years he would feel himself constrained, by the effect of such legislation as then promised perpetual peace, and by a sense of duty, to open anew the fountains of slavery agitation.

Mr. Chairman, I think I have shown pretty conclusively that the compromise laws of 1850 could have established no such principles as it is now insisted they did. But if I am wrong in this, I submit that such principles could apply only to future acquisitions, or to territories whose *status* or condition in respect to slavery was not already fixed by law. The laws which contained such principles could not involve the abrogation of a compact which had been fully executed in favor of one party, in such way as to wholly deprive the other party of what it had reluctantly accepted as its portion in the division.

Having considered what I understand to be the main arguments for the abrogation of the Missouri compromise, I pass to notice, briefly, some of the minor reasons and incidental remarks by which it is attempted to be justified or excused; and to submit, in closing, a few general observations on the question.

It has been stoutly denied by the gentlemen from Kentucky [Mr. EWING and Mr. BRECKINRIDGE] that Mr. Clay took any leading or prominent part in the enactment of the Missouri compromise; that he was to any considerable extent responsible for it, or that he would, if living, insist upon its preservation. I think these gentlemen do great injustice to the memory of their illustrious friend. I believe that history is entirely conclusive upon this point—that Henry Clay did more than any other man to effect this settlement. I am quite sure that he thought so; at any rate he knew that the country thought so, and he never disabused it of this opinion. He never corrected the statements to this effect, in the numerous memoirs and notices of his life which were published before his decease. He had been called the great *Pacificator*, the great *Compromiser*. Why, if not for his connection with this compromise, and the tariff compromise of 1833? In a speech which he made upon the compromise of 1833, he said:

"I derive great consolation from finding myself, on this occasion, in the midst of friends with whom I have long acted, in peace and war, and especially with the honorable Senator from Maine, [Mr. Holmes,] with whom I had the happiness to unite in a memorable instance. *It was in this very Chamber, that gentleman presiding in the committee of the Senate, and I in the committee of twenty four of the House of Representatives, on a Sabbath day, that the terms were adjusted by which the compromise was effected of the Missouri question.* Then the dark clouds that hung over our beloved country were dispersed; and now the thunders from others, not less threatening, and which have been longer accumulating, will roll over us harmless and without injury."

I wonder if Mr. Clay did not think in 1833 that he had something to do with passing the Missouri compromise? And if he believed that the compromise which dispersed the dark clouds that hung over the country, by the admission of a slave State, did not secure some substantial benefit to freedom? I wonder if he, who would have felt a stain of dishonor like a wound, would, if he were on earth, hearken to such a violation of faith as is implied in this repeal? For the honor of that great and celebrated name believe it not. Whatever may have been Mr. Clay's connection with the act of March, 1820—and he says he has no

doubt he voted for it—the joint resolution of 1821, which gave it effect, and the vigor and force of a compact; which enabled the slaveholding country to receive and enjoy its part of the bargain; which sealed the compromise, and was the compromise, was his work.

Volumes have been written to prove that there never was such a man as Homer; that the Iliad and the Odyssey are but aggregations of the ballads, songs, &c., of the early Grecian bards; and in our own day an ingenious gentleman has undertaken to establish the fact, and I am told that he has done it unanswerably, that there never lived such a man as Napoleon Bonaparte. I am waiting with some impatience to see the gentlemen from Kentucky rise upon this floor, and gravely attempt to convince us that Henry Clay—the great commoner, the great pacificator, the man who "would rather be right than President"—was after all but the hero of a myth.

We have been told by southern gentlemen that this is a boon tendered by the North, and asked if they are to refuse it. But are they quite sure that it has been offered by the North? Would they reject it if not thus offered? If so, let them stand aside, and see what the northern members (who constitute a quorum of the House, and can themselves legally execute the tender, if they desire) will do. Then, if the boon is tendered, they may receive it and enjoy it. But let them not, by their votes, secure it, and then tell us, *the North did it*. The North did it! Does the vote on the motion of the gentleman from New York, [Mr. CUTTING,] to refer the bill to the Committee of the Whole on the state of the Union, look as if the North would do any such thing? The vote of northern members on that motion was—103 yeas, 26 nays; as follows:

*Yeas.*

MAINE—Benson, Farley, Fuller, Mayall, and Washburn—5.
NEW HAMPSHIRE—Kittredge, and Morrison—2.
MASSACHUSETTS—Appleton, Banks, Crocker, De Witt, Dickinson, Edmands, Goodrich, Upham, Walley, and Tappan Wentworth—10.
RHODE ISLAND—Thomas Davis, and Thurston—2.
CONNECTICUT—Belcher, Pratt, and Seymour—3.
VERMONT—Meacham, Sabin, and Tracy—3.
NEW YORK—Bennett, Carpenter, Chase, Cutting, Fenton, Flagler, Hastings, Haven, Hughes, Daniel T. Jones, Lyon, Matteson, Maurice, Morgan, Murray, Andrew Oliver, Peck, Peckham, Bishop Perkins, Pringle, Sage, Simmons, Gerrit Smith, John J. Taylor, Walbridge, Westbrook, and Wheeler—27.
NEW JERSEY—Lilly, Pennington, Skelton, and Vail—4.
PENNSYLVANIA—Chandler, Curtis, Dick, Everhart, Gamble, Grow, Hiester, McCulloch, Middleswarth, David Ritchie, Russell, Straub, Trout, and Witte—14.
OHIO—Ball, Bliss, Campbell, Corwin, Edgerton, Ellison, Giddings, Green, Aaron Harlan, Harrison, Johnson, Nichols, Thomas L. Ritchie, Andrew Stuart, John L. Taylor, and Wade—16.
INDIANA—Chamberlain, Eddy, Andrew J. Harlan, Lane, Mace, and Parker—6.
ILLINOIS—Bissell, Knox, Norton, E. B. Washburne, John Wentworth, and Yates—6.
MICHIGAN—Noble, and Hestor L. Stevens—2.
WISCONSIN—Eastman, Macy, and Wells—3.

*Nays.*

MAINE—McDonald—1.
NEW HAMPSHIRE—Hibbard—1.
CONNECTICUT—Ingersoll—1.
VERMONT—None.
RHODE ISLAND—None.
MASSACHUSETTS—None.
NEW YORK—Mike Walsh—1.
NEW JERSEY—None.
PENNSYLVANIA—Dawson, Florence, J. Glancy Jones Kurtz, McNair, Packer, Robbins, and Hendrick B Wright—8.
OHIO—Disney, Olds, and Shannon—3.
INDIANA—John G. Davis, English, Hendricks, and Smith Miller—4.
ILLINOIS—James Allen, Willis Allen, and Richardson—3.
MICHIGAN—Clark—1.
IOWA—Henn—1.
WISCONSIN—None.
CALIFORNIA—Latham, and McDougall—2.

Men talk about southern principles and northern principles in connection with this question, often, it seems to me, with little thought of what they are saying: as if in a controversy in respect to honor, good faith, and historical truth, there could be any difference of principle among honorable men North or South; as if questions of fidelity and fact were to be determined by degrees of latitude; as if northern principles or southern principles would tolerate a palpable breach of a contract deliberately entered into, whenever either section should believe its interests would be promoted by such breach. With the gentleman from Louisiana [Mr. HUNT] I may, and undoubtedly do, differ on many points concerning the institution of slavery. But, sir, as to what good faith and honor require in the matter of engagements and compacts, we can have no difference. When, the other day, he stood up in this Hall, and with the spirit and bearing of a just and honorable man, denounced, in bold and eloquent terms, what he could not help believing to be a violation of a solemn compact, there was not a man in his presence but respected him—not a true, brave heart but felt better and braver than before, and stronger in his own ability and purpose to do his duty like a man, whatever he might deem that duty to be;—not one but felt within him something of the dignity and grandeur of a true manhood. Mr. Chairman, with the cant of "our northern brethren" and "our southern brethren," I am tired and sick. We are brothers all, and we know and feel it; but why talk about it everlastingly, and too often in such manner as to imply to all high-toned minds that it is but talk. I fear not that any southern man, worthy of the South, will doubt that he has my respect as truly as if he belonged to my own section of the country, although I may not be continually reminding him of the fact. And there are northern men who can never, in their hearts, believe that they possess it, let me tell them what I will. But, sir, this Nebraska business, bad as it is—and God knows it could not easily be worse—will not be without its compensations. If I do not misread the signs of the times, they portend a "hard winter" to a class of politicians in the North; some of whom, I am told, have heretofore found their way into these Halls. I refer to the 'Umble Heeps and respectable Littimers of politics—your *self-sacrificing* patriots, who "abase themselves that they may be exalted;" your soft-footed men, who profess one thing at home, and vote another here, and who are always but too happy if they can obtain the countenance and patronage of older flunkeys than themselves.

Mr. Chairman, of the motives which have influenced the Senator from Illinois and the President in their action upon this question, I am not authorized to judge. It has been suggested that party straits and necessities required this measure of the Administration. But what party end or acquisition could justify such awful price? No, sir; we must not yield to this suggestion.

Shall we believe that the inducing cause of such action was to aid any man's prospects for the Presidency? To raise such an issue as this question presents, for such purpose, would be a wantonness of wickedness which should in itself pre-

lude the belief that it could have found entrance to the breast of any man. Away, then, with his uncharitableness. The life of man is short—e Presidency and its honors are but for a day, ut this measure runs with the prosperity and appiness of millions of human beings for ages. et it not be considered possible, for it is not, that ny man, whether in high or low position, intenonally, designedly, with a view of the legitimate onsequences of the act, could for such object, oriinate a measure like this.

Sir, the misfortune of our time is that it run across the era of "little men in lofty places, * * * the men so little and the places so lofty, that, casting my pebble I only show where they stand"—of politicians and not statesmen, of dexterous and cunning rather than wise and strong men, who, looking before and after, scan, with unerring vision, the just proportions of public measures, comprehend their meaning, and foresee their consequences. There are eddies in the current of every nation's history, where the supple and the adroit perform their feats and play fantastic gambols to the delight and admiration of the bystanders, gaining such applause as is yielded to the ring and tight rope, until they tire of their profitless exhibitions, and sink, and are forgotten. No success can be but nominal; no popularity, however wide-spread and boisterous, can be more than temporary, which have not the foundations of great and wise deserving.

An honorable Senator from South Carolina, [Mr. Butler,] a very able man, with whose clearness of statement, and scholarly, vigorous style I am always delighted, has said:

"I will undertake to maintain that the Missouri compromise, notwithstanding the laudations of the honorable Senator from Texas, [Mr. Houston,] instead of bringing with it peace and harmony, has brought with it sectional strife; that it is, instead of being a healing salve, a thorn in the side of the southern portion of this Confederacy, and the sooner you extract it, the sooner you will restore harmony and health to the body-politic."

If this be true, how does it happen? Because the North has ever been unfaithful to her part of the agreement? Surely not. She has at all times lived up to the very letter of the bond, and has never, in any manner, done that which could be construed by suspicion herself as impugning its spirit. That the compromise is a thorn in the side of the South, is no fault of the North. If it be such a thorn, it is simply because slavery can submit to no limits or restraints, not even to those itself imposes. It is for the reason that slavery is under an inevitable, inexorable necessity to be constantly aggressive; that no barriers can hold it, no repose give it rest. It must go forward, or die—the moment it halts, it recedes.

Let us see how things have gone on during this century. In 1803, Louisiana, a slave Territory, was purchased of France. Three slave States and one free State have been formed out of it; and we are now told that freedom has had enough. Then, in 1819, Florida was purchased, to make another slave State. In 1845 Texas was annexed, to give us five more, while the free States have acquired but California, and a hope for New Mexico and Utah. These Territories were organized in 1850, without the Wilmot proviso. Whether or not the North yielded anything of practical value in this, she was made to recede from a position on which she felt herself bound in honor and all fidelity to a great cause to maintain. By one of the compromise laws of this year she was made to pay to Texas her portion of $10,000,000, to induce the consent of that State to a boundary line with New Mexico, although she was far from being satisfied that Texas had given up any territory to which she had a just claim. But of this she made little complaint.

Then the fugitive slave law was passed; but I need not tell you what she thought of that—how hard it was to take—nor that she submitted to it as gracefully as she could. The learned and distinguished Senator from Massachusetts [Mr. Everett] will not be charged with having overstated the case when he said, a few weeks ago, in the Senate, that Mr. Webster, in his 7th of March speech,

"Went to the very verge of the public sentiment in the non-slaveholding States, and that to have gone a hair's breadth further, would have been a step too bold even for his great weight of character."

It was in reference to these acts that General Foote said, in December, 1851, that the South had gained all that she claimed; and when he said this, he had no thought that she had obtained the abrogation of the Missouri compromise.

Sir, when the North had, by this legislation, yielded so much for the sake of peace and harmony, and when the finality and comprehensiveness of the settlement had been affirmed again and again, she did not fear, she had no reason to fear, a reopening of the slavery question so soon as this; certainly not by those who succeeded so well in the arrangement which had been effected. She had acquiesced; she was quiet. She had made no aggressions, meditated none. At such a time, and under such circumstances, you of the South procure, or permit this bill to be brought into these Halls. Though introduced by a northern Senator, acting in concert with a northern President, it is nevertheless your measure, supported as it is by nearly the entire southern delegation in Congress. Without such support it could not live an hour. It is you, then, who are responsible for the agitation it will not fail to produce, and for all the consequences that will result from its introduction. Three months ago the country was in profound repose, a repose which the North has in no way sought to disturb; but which she finds, to her grief and alarm, you are bent upon destroying. She has not moved. She stands where you placed her in 1820, and upon the title which you confirmed in 1850, and in 1852. She claims not what is yours, but only to the limits yourselves have set down. Can she, with safety or honor, recede from those limits? If she does, where can she stop, and what guarantees can you give her more solemn and binding than you have given already? You may persist in your attempts to expel her from her just and purchased possession; but I think you will find it a more difficult enterprise than you imagined in the beginning.

Pass this bill, and you kindle a fire which will need all the rain in the sweet heavens to extinguish, unless you shall consent to its unqualified repeal. If the fire shall not blaze up at once, and fill the sky, it will burn the more intensely when it does break out. The excitement on the day of the passage of the law (if that day shall come) will not be so great as it will be in six months thereafter, nor then as in twelve. Sir, if, by the aid of treachery in her household, you shall succeed in depriving the North of this fair domain, dedicated by your fathers and our fathers to freedom and freemen forever, you will return it all. You cannot afford to keep it, and I believe you will not desire to keep it.

So far from your being permitted to comfort yourselves, as the gentleman from Georgia, [Mr. STEPHENS,] and others, have done, with the idea that the North will acquiesce in this measure as she did in those of 1850, be assured that her submission then will nerve her to the more earnest and determined opposition now. Upon questions relating to slavery the South has always been united. She could at any time bring all her forces to bear upon any point to which she would direct them. In this she has had great advantage over the North. Unity of purpose and action, concentration of power, have the practical value of vast forces in themselves.

The North, not having been alarmed by the growth and approaches of slavery heretofore, has never been deeply and thoroughly stirred. She has been influenced by abstractions and sentiment, rather than by the power of direct interest; and she has seldom seen any practical good to be accomplished by agitation. But let this bill become a law, and you convince her that it is true—as some have asserted, but the many denied—that slavery is aggressive, boldly, badly aggressive; that it knows no law, regards no compacts, keeps no faith, and derides those who trust it; you unite the whole North by the motives of interest, and by a sense of injury and deep wrong, as well as by the power of a generous sentiment. You do that which will tend, more than all things else, to array a fierce and unrelenting opposition to your institution wherever it can be reached under the Constitution. And why will such opposition be arrayed? From the irresistible promptings of self-preservation; for, in this event, the North will be forced to believe that the time has come when slavery must be crippled, or freedom go to the wall.

Mr. Chairman, I have felt bound to speak truly and faithfully what I feel and fear. It can afford me no pleasure to witness or participate in the controversy that must arise if this measure shall prevail. I would avert it, if possible, as I would prevent, for however short a period, the formation of sectional issues and sectional parties in this country. With such issues once distinctly and squarely presented, and such parties deliberately and fully organized, our future, though it may not be without hope and without promise, will be dark, dark, shaded

> "With hues, as when some mighty painter dips
> His pen in dyes of earthquake and eclipse."

Yet not so dark and cheerless as it would be if the North should so shrink from the behests of honor and duty, become so blind to the moral lights of the age, and so regardless of the glorious traditions of the past, as to submit tamely and ignobly to the exactions and aggressions which fanaticism is preparing to make. And, sir, I would avert it as I would prevent the dissolution of the party with which I have always been connected. To part company with those with whom we have long been politically associated, with whom we have sorrowed in defeat and rejoiced in victory, is what cannot be contemplated without the deepest pain. But if it be true that the great body of southern Whigs in both Houses of Congress have determined to make a sectional issue upon this question, and by their vote declare to us of the North that good faith, solemn, mutual covenants, the loftiest obligations of honor, (as we must think,) and all the ties which, for a quarter of a century, have bound a great party together in honorable and fraternal association, are as the idle wind when they come in conflict with a fancied sectional interest, why then, sir, the Senator from Georgia, [Mr. TOOMBS,] in that caucus of southern Whigs which rumor says was held a few weeks ago in this city, performed a work of supererogation when he announced the dissolution of the Whig party. Sir, there was no National Whig party to be dissolved. Well, gentlemen must be as your course shall constrain; and if you will have it so, it only remains for us of the North to bid you a "long good night."

And what then—and what then? In 1848 Daniel Webster told the farmers of Plymouth county, in the old Bay State, that there was no North; but, it will be remembered, that he predicted, at the same time, that there would be a North. Let this bill become a law, and prophecy will not loiter on the way to fulfillment. There will be a North; and I think you will be at no loss to discover where it is, and in no doubt as to the position of northern Whigs. How can you believe that we can remain quiet? Pray look at this measure; consider what it is, and what it implies. It opens up the wide regions of Kansas and Nebraska—an area nearly as large as is occupied by the free States of this Union, and dividing them from the Pacific ocean—to the institution of slavery; nay, it invites it to go there. It reverses the ancient policy of the Government, which was restriction, and inaugurates a new policy, that of slavery extension. It presents considerations which will meet us everywhere, on sea and shore, in our fields of enterprise, in our places of business, at our thresholds and firesides. No evasions, no subterfuges, no compromises will be left to which men can resort, or upon which they can rely. No one will be so blind as not to see that, with this new policy, this invitation, slavery will be carried at once into Kansas, as well adapted to its occupancy as Kentucky, Missouri, or the half of Virginia; carried there for political, if not for economical reasons; and that, once introduced under such circumstances, possessing such "coigne of vantage," it will be permanently established there. Sir, the North will—for she must—oppose this measure to the end. And in the business of resistance, or restoration, if it shall come to that, she will labor firmly, faithfully, and, I doubt not, effectively. Mr. Chairman, the aggression will be stayed, the tide will be rolled back, and the ancient policy of the Government confirmed—RESTRICTION IN THE TERRITORIES, NON-INTERVENTION IN THE STATES. To doubt it were to admit, indeed, that there is no North, and no hope of a North; it were to admit a degeneracy in her people more swift, more thorough and mournful, than ever marked the history of any other people since the birth of time; it were to confess the descendants of Hancock, Adams, Warren, and Franklin, of Sherman, Livingston, and old Putnam, the most pitiful slaves themselves. To doubt it were to admit that slavery has the indwelling, central power of immortal truth; that liberty is but a name, and the love of it a phantasy—a delusion. But, sir, we will not doubt it. We know that in all human affairs there are seasons of action and of reaction, of victory and defeat. But we also know that, in the end, nothing shall prevail against truth; and no verity is more grand, more immutable, than this: "THERE IS NOTHING ON EARTH DIVINE BESIDE HUMANITY."